

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 432

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SCHOOL ATHLETICS
EQUITY ACT; REQUIRING CERTAIN DATA TO BE REPORTED TO THE PUBLIC
EDUCATION DEPARTMENT AND THE PUBLIC.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is
enacted to read:

"~~[NEW MATERIAL]~~ SHORT TITLE.--This act may be cited as the
"School Athletics Equity Act"."

Section 2. A new section of the Public School Code is
enacted to read:

"~~[NEW MATERIAL]~~ APPLICABILITY--NONDISCRIMINATION.--The
School Athletics Equity Act applies to each public school that
has an athletics program for grades seven through twelve. Each
public school shall operate its program in a manner that does

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underscoring material = new
[bracketed material] = delete

1 not discriminate against students or staff on the basis of
2 gender."

3 Section 3. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] DATA REPORTING.--The department shall
6 collect annual data from public schools on their athletics
7 programs. Each public school shall collect and submit the
8 prior-year data required in this section in a format required
9 by the department. The data submitted shall include:

10 A. by August 31, 2010, the following information
11 pertaining to enrollment:

12 (1) the total enrollment in each public school
13 as an average of enrollment at the eightieth and one hundred
14 twentieth days of the school year;

15 (2) student enrollment by gender;

16 (3) total number of students participating in
17 athletics;

18 (4) athletics participation by gender; and

19 (5) the number of boys' teams and girls' teams
20 by sport and by competition level;

21 B. by August 31, 2010, the following information
22 pertaining to athletic directors, coaches and other school
23 personnel:

24 (1) the name and gender of each public
25 school's athletic director;

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1 (2) the name of each team's coaches and other
2 team personnel, with their gender, job title and employment
3 status, such as full-time, part-time, contract or seasonal,
4 specified;

5 (3) the coach-to-athlete and staff-to-athlete
6 ratio for each team; and

7 (4) the stipend or other compensation for
8 coaching paid to coaches of boys' teams and to coaches of
9 girls' teams for each public school;

10 C. by August 31, 2011, an accounting of the funding
11 sources that are used to support the school's athletics
12 programs and to which teams those funds are allocated; funding
13 sources include state funding, federal funding, fundraising or
14 booster clubs, game and concession receipts, gate receipts,
15 cash or in-kind donations, grants and any other source;

16 D. by August 31, 2011, the following information
17 regarding expenses, including:

18 (1) any capital outlay expenditures for each
19 public school's athletics programs;

20 (2) the expenditures for each public school's
21 athletics programs; and

22 (3) the expenditures for individual teams,
23 including travel expenses such as transportation, meal
24 allowances and overnight accommodations; equipment; uniforms;
25 facilities; facilities improvements; publicity expenses;

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1 awards; banquets; insurance; and any other expenses incurred by
2 each team; and

3 E. by August 31, 2011, a statement of benefits and
4 services to each team, including:

5 (1) replacement schedules for equipment,
6 uniforms and supplies;

7 (2) practice and game schedules;

8 (3) access to locker rooms, weight rooms and
9 practice, competitive and training facilities; and

10 (4) assistance in obtaining scholarships."

11 Section 4. A new section of the Public School Code is
12 enacted to read:

13 "[NEW MATERIAL] DISCLOSURE TO STUDENTS AND PUBLIC.--

14 A. Each public school shall make its data available
15 to the public, including all materials relied upon to compile
16 the data. Each public school shall inform all students at the
17 public school of their right to review the data.

18 B. The department shall publish the following
19 information:

20 (1) each public school's data; and

21 (2) a list of public schools that did not
22 submit fully completed data.

23 C. Each public school shall maintain its data and
24 all materials relied upon to complete the data for at least
25 three years. Each public school shall publish its data in a

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1 newspaper of general circulation in the state or make the data
2 available on a publicly accessible web site."

3 Section 5. A new section of the Public School Code is
4 enacted to read:

5 "[NEW MATERIAL] ASSURANCE OF COMPLIANCE.--

6 A. Each public school shall submit an assurance of
7 compliance with Title 9 to its local school board or governing
8 body and provide a copy to the department no later than August
9 31 of each year. The assurance shall be signed by the public
10 school's principal or Title 9 coordinator. The department
11 shall publish, in a newspaper of general circulation in the
12 state or on a publicly accessible web site, a list of public
13 schools that fail to submit the assurance of compliance with
14 Title 9.

15 B. As used in this section, "Title 9" means federal
16 Public Law 92-318, Title 9, of the Education Amendments of
17 1972, which is codified at 20 U.S.C. 1681, et seq., and the
18 regulations promulgated pursuant to that act."

19 Section 6. A new section of the Public School Code is
20 enacted to read:

21 "[NEW MATERIAL] REPORT TO GOVERNOR AND LEGISLATURE.--

22 Beginning December 1, 2010, the department shall submit
23 annually a report on the School Athletics Equity Act to the
24 governor and the legislature, including a summary of the data
25 received from the public schools. The report shall include

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1 recommendations on how to increase gender equity in athletics
2 in public schools. The department shall post the report on its
3 web site."